IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 12459 of 2004

Between:

1 Damireddy Obul Reddy s/o.Obu Reddy
r/o.Piddugupalli Village Kalasapadu (M) Kadapa District
2 Konda Tirupal Reddy late Peddi Reddy
r/o.Piddugupalli Village Kalasapadu (M) Kadapa District

..... PETITIONERS

AND

1 The District Collector, Kadapa
2 the Revenue Divisional Officer Rajampeta, Kadapa District.
3 The Mandal Revenue Officer Sri Avaduta Kasinarayana (M) Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction particularly writ of mandamus directing the respondents not to interfere with the petitioners' peaceful possession and enjoyment of the assigned lands i.e., Ac 4.23 cents in Sy.No.201/2 and Acs.4.64 cents in Sy.No.201/4 of Kathera Gandla Village, declaring the action of the respondents in proceedings No.B/33/2003 of M.R.O. SAKN Mandal Dt.15.10.2003 as arbitrary illegal and violative of principles of natural justice.

Counsel for the Petitioner: MR.G.RAMACHANDRA REDDY

Counsel for the Respondents: Government Pleader for Revenue.

The Court made the following:

ORDER:

Heard both the Counsel and at their request, the writ petition itself is taken up for disposal at the admission stage.

According to the petitioners, they, being landless poor persons, were assigned lands to an extent of Ac.4-23 cents and Ac.4-64 cents in Survey Nos.201/2 and 201/4 respectively and accordingly pattas were issued in their favour on 16-10-1969. While so, some third parties, proclaiming that they were issued D.K.T. pattas, tried to interfere with the petitioners' peaceful possession and enjoyment of the said lands. Then, the petitioners approached the respondents and informed about the same, but, in vain. Thereafter, the petitioners sought for 10(1) accounts and the certified copies of 10(1) accounts were furnished to them on 26-06-2004, which disclosed that the said lands were resumed to the Government by the Mandal Revenue Officer, S.A.K.N. Mandal in B/33/2003 dated 15-10-2004(obviously this may be 15-10-2003). But, the petitioners complain that the said order was not communicated to them till date except making an endorsement on 10(1) accounts, due to which, they are infringed to agitate their rights. Hence, they filed the present writ petition.

Having regard to the above facts and circumstances of the case, the respondents are hereby directed to communicate the resumption order so passed by the Mandal Revenue Officer, S.A.K.N. Mandal, in B/33/2003, dated 15-10-2003 to the petitioners within a period of three weeks from the date of receipt of a copy of this Order. On such communication, the petitioners are at liberty to file an appeal questioning the said resumption order within a period of four weeks thereafter and till such time, status quo with regard to the disputed land shall be maintained.

The writ petition is accordingly disposed of at the admission stage. No costs.

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19-07-2004

Note:

Office to furnish

C.C. in three days.

(B/o)

ghn/tsnr

To

1 The District Collector, Kadapa
2 the Revenue Divisional Officer Rajampeta, Kadapa District.
3 The Mandal Revenue Officer Sri Avaduta Kasinarayana (M) Kadapa District.

4 . Two C.Cs to Government Pleader for Revenue, High Court of A.P., Hyderabad.(o.u.t.)

5. C.D. copies.